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Joshua N. Marshall. 1895.

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In Memoriam

Hon. Joshua N. Marshall



With the Compliments of

MRS. JOSHUA N. MARSHALL,

Lowell, Mass.



J. N. M. Ingham

IN MEMORIAM

HON. JOSHUA N. MARSHALL

BORN IN DORCHESTER, MASS. MAY 21, 1807

DIED IN LOWELL, MASS. MARCH 1, 1875

"The memory of the just is blessed"

LOWELL, MASS.
MORNING MAIL COMPANY, PRINTERS
1875



J. N. K. Enghall

IN MEMORIAM

HON. JOSHUA N. MARSHALL

BORN IN DRACUT, MASS., MAY 22, 1830

DIED IN LOWELL, MASS., MARCH 2, 1895

"The memory of the just is blessed"

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LOWELL, MASS.
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THE BEQUEST OF
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1918

THE ADDRESS

OF REV. J. M. GREENE, D. D., AT THE FUNERAL OF HON. JOSHUA N.
MARSHALL, IN THE KIRK STREET CHURCH, MARCH 7, 1895.

My most appropriate place to-day is among the mourners. I look for the last time on the face of a very dear friend. It was forty-five years ago last September, in the Freshman Class in Amherst College, that I first met him whose mortal remains lie before us to-day, and whose departure from us we all lament. Joshua N. Marshall, when he entered college, won at once the confidence and the love of his teachers and of his fellow-pupils. There was an honesty, a frankness, a manliness, about him which attracted all. I knew him intimately, for we boarded at the same table two years. In college he took a fair rank as a scholar, and he was at the head of our class as an orator. After he left college he studied law and settled in this busy city, where for forty years he has gone out and in with the citizens, discharging his duties in such a way that all have respected him, and those who have been favored to know him intimately have esteemed and loved him.

Mr. Marshall had, what so many of our native born New Englanders have, an ancestry which helped him. Puritan blood coursed in his veins. He was born and trained up not two miles from this spot, in a home where the Bible was daily read, prayer was offered, the Sabbath was observed, and the virtues of truth and honesty and temperance were inculcated from the word of God. He

was taught that the chief end of man is not to accumulate money or to gain honors, but to serve God and benefit mankind. And this high and noble idea he ever kept before his mind. He lived not only for his family, or his profession, but for his city, for his country, for the church of God.

He held office in the city and in the state, and always acquitted himself honorably, whatever the trust put into his hands.

He was a member of the Massachusetts House of Representatives in 1863-4, a member of the State Senate from 1867 to 1869, and for five years a member of the State Board of Harbor Commissioners. In 1872 he was a delegate to the Republican National Convention in Philadelphia, where General Grant was nominated for the Presidency. He was offered a judgeship in the United States Circuit Court in the Southwest. He declined it because he was unwilling to be away from his home so much as the duties of the office would require. Governor Alexander H. Rice offered him an appointment to a judgeship in the Superior Court of Massachusetts, but he declined it. He was for nine consecutive years a member of the executive committee of the Massachusetts Home Missionary Society, and rendered to the Society much valuable service. He was a director of the Merchants' National Bank, in our city, a director in the Kitson Machine Company, a trustee and the secretary of the Rogers Hall School, and one of the Visitors of Andover Theological Seminary. He was also the secretary of that Board of Visitors. And the Andover Theological Seminary and the Congregational Church owe Mr. Marshall a debt of lasting gratitude for his faithful services and his wise counsel in guiding that

school of the prophets through the most serious trial in its history. He received no pecuniary compensation for his services there, but he gave time and labor without stint to the administration of the trust which had been committed to him. He read for it many theological works and works on American and English law. If he had performed these labors in the regular work of his profession he would have received thousands of dollars as legitimate fees. Without any wavering he always stood for the principles and the doctrines as the founders of the Seminary had declared them.

It would be easy for me to speak of Mr. Marshall as a friend. None was ever more unselfish and true. He was always courteous and kind, even to a discourteous opponent. He did not allow himself to become excited and say what he afterwards had to retract. He was calm and self-poised whatever the surrounding conditions might be. At the bar he was an able and honorable advocate. In his office he was a student, and his opinion in questions of law carried great weight. In his private life he was as pure as the saintliest of men, living exactly the great principles which his mother had taught him from the word of God.

He was a staunch advocate of the cause of temperance. He told me of more than one instance where at public dinners his refusal to allow his wine-cup to be filled had wrought political prejudice against him; but that did not intimidate him. He was true to his principles and would be, though he lost every honor and office which men could give. Would that our city had more such men.

The crowning fact in Mr. Marshall's life was his Christian character. Character is the crowning thing



J. N. M. Eushell

IN MEMORIAM

HON. JOSHUA N. MARSHALL

BORN IN DEACUT, MASS., MAY 20, 1802

DIED IN LOWELL, MASS., MARCH 7, 1874

"The memory of the just is blessed."

LOWELL, MASS.
MORNING MAIL COMPANY, PRINTERS
1895

for learning, industry and probity as lawyer and man. For twenty years I knew him thus, but for two years of the earlier acquaintance it was my privilege to be intimately associated with him in another important public work, and to know the sterling quality of the service which he gave. The characteristic of his service then was what always seemed to me the characteristic of his life—true and faithful in all which was committed to him. The evening of this fleeting life approaches, and associates in its active duties are rapidly passing within the veil which separates us from the life which is abiding and real; but it is a privilege to stay a moment from the work which remains to us before we may join them, to bring a tribute of grateful remembrance for the work of a true and faithful brother.

Sincerely yours,

ALBERT MASON.

Letter from Hon. Samuel P. Hadley, Judge of the Lowell District Police Court, and who has been intimately acquainted with Mr. Marshall all the years of his professional life in this city:

LOWELL, Sept. 23d, 1895.

MY DEAR SIR:

You have asked me for a few words in remembrance of our dear friend, the late Hon. Joshua N. Marshall. My acquaintance with Mr. Marshall began when we were young men; he, at the time, being an undergraduate at Amherst.

Of commanding and stalwart figure, with strong intellectual features, fine expressive dark eyes, with hair black and worn long, he was a strikingly attractive young man. To these charms of person were added mental gifts and training of a high order.

I began by respecting and esteeming him; and during an intimate acquaintance lasting through his whole life, I never had occasion to change my first opinion of him. He was a man of high ambitions and noble purposes. In and out of his profession he moved upon a high plane. His dignity of character, his self-respect, were never laid aside under any circumstances. He was one of the most industrious men in anything he undertook that I ever knew. This high sense of duty and his devotion to her calls,

made him a hard worker in the exacting profession which he honored and adorned. He was a product of the pious New England home and the New England college, and an honor to both.

Very sincerely yours,

SAMUEL P. HADLEY.

Letter from Hon. George F. Richardson, of Lowell, who has known Mr. Marshall well in his professional life:

LOWELL, July 5th, 1895.

MY DEAR SIR:

I have received your note, asking from me a short letter giving my estimate of the late Hon. Joshua N. Marshall, especially as a lawyer, and I hasten to comply with your request.

I met Mr. Marshall very many times at the bar, in a variety of causes, and always found him an antagonist who required and called forth all the skill which I could command. From the experience so obtained I can bear witness to two important characteristics of his practice. In every case he tried he had made the most careful and painstaking preparation in respect, not only to the facts, so far as it was possible for him to acquire a knowledge of them, but also to the law which he deemed applicable thereto.

While it is true that every lawyer knows or ought to know that such preparation is almost indispensable for success, it is also true that many neglect to make it, and that a still larger number do not possess such critical and accurate knowledge of the law as enables them to determine what facts and what principles are applicable in any given case.

Mr. Marshall's success at the bar was due in a large measure to intelligent preparation, untiringly made. In a trial, while guarding with scrupulous care the rights of his client and seeking with ability and zeal to maintain them, he never failed in courtesy to his opponent, the exercise of which tends in so great a degree to lessen the asperities of antagonism at the bar.

In looking back over the past I can recall no single instance when our contests ever in the slightest degree impaired our pleasant and friendly relations, and I am gratified in having the opportunity to pay this necessarily brief tribute to his memory.

I am very respectfully yours,

GEORGE F. RICHARDSON.

Letter from Hon. John J. Pickman, ex-Mayor of the City of Lowell, who has known Mr. Marshall as a lawyer for many years in our city:

LOWELL, MASS., Sept. 19, 1895.

MY DEAR SIR:

In complying with your request to furnish you with a written communication embodying therein my impressions of the late Mr. Marshall, it is but fair to state that I knew him as a lawyer only, in the discharge of the duties of his profession. I limit myself, therefore, to the consideration of those traits of character that I most frequently noted, as they came within the range of my observation. First and foremost, he was thorough in doing the work he engaged in; he left nothing to chance, but thought out every detail of his case with singular exactness, and the facts and law pertaining thereto were carefully considered and skillfully arrayed for ready and effective use. He had an unusual capacity and inclination for hard work that, combined with a vigorous understanding and excellent oratorical abilities, made him an exceptionally good advocate.

He was patient, resourceful, courageous and persistent in the discharge of all his professional duties, and his clients were assured of the best his intellect and ingenuity could give them in the assertion, defence or ascertainment of their rights. I sum up my estimate of Mr. Marshall in this sentence: He was able, thorough and faithful. I remain,

Very sincerely yours,

JOHN J. PICKMAN.

A letter from Hon. Arthur H. Wellman, of Boston, Mass. He knew Mr. Marshall as a practitioner with him of the same profession:

BOSTON, Oct. 24, 1895.

MY DEAR SIR:

I thank you for giving me the chance to pay a brief tribute to the character of the late Hon. Joshua N. Marshall. My acquaintance with him was not a long one, but it was to me most pleasant.

As a lawyer he was careful and accurate, a hard student, and not inclined to rashly venture an opinion, but when his views had become fixed, he held them with unusual tenacity, and would not abandon them unless convinced he was in error.

He possessed the ability to state his views in clear and simple language, which he made little effort to ornament. While not indifferent to public opinion, he seemed more anxious to take positions which were just and right, than those which would be popular.

He was not inclined to speak ill of any one, and was singularly loyal and devoted to his friends.

He seemed to be an ideal counsellor, one in whom it would be safe to trust.

Very truly yours,

ARTHUR H. WELLMAN.

A letter from Judge Asa French, of Boston, who was by the Visitors employed as counsel on the Andover Theological Seminary case:

BRAINTREE, MASS., Nov. 14, 1895.

MY DEAR SIR:

My acquaintance with Mr. Marshall began when the complaint was filed before the Board of Visitors of the Andover Theological Seminary, in what is known as the Andover case, July 23, 1886. He was a member of the Board, his colleagues being President Seeley of Amherst College and Dr. Eustis of Springfield, both of whom Mr. Marshall survived. I was one of the counsel for the complainants in the case, my associates being the late Judge Hoar and Mr. Arthur H. Wellman. The functions of the Board in the protracted hearing which followed were quasi judicial, and many difficult and novel questions arose, the decision of which required sound judgment, as well as a thoroughly trained legal mind. In these qualities Mr. Marshall excelled. Always courteous in his manner, a patient listener to all that was to be said on either side, there was ever present with him a conscientious desire to faithfully discharge the great trust committed to him, and when the path of duty was made plain to his mental vision, nothing could turn him

aside from it. There were some who thought his conclusions in the Andover case erroneous. No one, I think, ever questioned their sincerity. In the subsequent proceedings before the Supreme Judicial Court, upon the appeal of the defendants from the decree of the Board, my relations with Mr. Marshall assumed a more intimate character. With the utmost charity toward those who differed from him, and lamenting the controversy in which he was a participant, he never faltered in the course which his high sense of Christian duty had marked out for him. It was impossible to know him as I did without being impressed by his ability, his anxious desire to do right, and his thorough manliness. In adding that Judge Hoar held our late friend in the same high estimation, I speak from personal knowledge. I count it a great privilege to have reckoned Mr. Marshall among my personal friends.

Sincerely yours,

ASA FRENCH.

Professor Edwards A. Park, of Andover Theological Seminary, in a letter to Mrs. Marshall dated March 28, 1895, says:

“I was deeply grieved to hear that your honored husband had been called from earth. I was but slightly acquainted with him. I knew enough of him, however, to be deeply impressed by his honesty of character and his unwavering loyalty to the truth. He was eminently conscientious, and whenever I have seen him he has manifested an intelligent love for the right.”

In a later communication Professor Edwards A. Park says:

“Since I have been connected with the Andover Seminary eight laymen have been connected with it as Visitors. I have been acquainted with seven of them. I do not think that any one of the seven has devoted so much time to the study of legal and theological books in reference to the constitution and creed of the Seminary as was devoted by Mr. Marshall. All his Seminary work, however, was performed without pecuniary compensation.”

A letter from Professor W. S. Tyler, the Historian of Amherst College, the veteran Professor of Greek in the College, and a teacher of Mr. Marshall:

OAK GROVE,

AMHERST, MASS., Oct. 16, 1895.

MY DEAR SIR:

You ask me, as the historian of Amherst College, to write a few words touching the college life of Hon. Joshua N. Marshall. Emerson says that "Great men have the shortest biographies." Certainly the best students occupy the least space in the Records of College Faculties. They have no absences nor delinquencies to be put on record while they are in college, and after their graduation they have something better than tricks and scrapes and evasions of college laws to report to class-mates and boon companions at commencements.

Mr. Marshall showed how high a value he attached to a college education, by entering Amherst after he had already spent one year in the study of law in a lawyer's office, and going through the entire four years in laying the foundation for eminence in his profession, by such studies as discipline the mind and store it with useful knowledge. He was a model student, regular in his attendance on college exercises, cheerfully obedient to all college laws, diligent in the improvement of all his time, talents and opportunities, faithful in all his studies, but particularly earnest and enthusiastic, and of course eminently successful, in those studies and arts, the arts of thinking and reasoning, of writing and speaking, in which he excelled in his after life, and which bear most directly on the legal profession. In short, the boy in college was father to the man at the bar. Or, rather he was not a boy, but a man, in college, practical, sensible, dignified, earnest, sincere, yet genial, amiable, friendly, affectionate, a man of business, who made a business of study or whatever else he undertook, a man of character whom everyone felt he could implicitly trust, an upright and downright man, always true to his convictions and fearless in the expression of them, always and everywhere a Christian man, in the preparatory school, in the college, in private and in public life. Mr. Marshall was by nature and by conviction conservative—conservative in business, in society, in politics and in religion. He always voted the Republican ticket. He was steadfast and unmovable in the

faith and practice of the Congregational Churches. If any single epithet would describe him, it would be the word *faithful*. "Faithful found though found alone" was his characteristic attitude. Loyal to his college, loyal to his country, loyal to his church, loyal to his friends, loyal to God, loyal to truth and righteousness, he was esteemed by faculty and students, and loved and honored by all who knew him.

W. S. TYLER.

A letter from Rev. Smith Baker, D. D., of East Boston, Mass., for nearly twenty years the pastor of the First Congregational Church of Lowell:

MY DEAR SIR :

Among the many pleasant memories of a twenty years pastorate in the city of Lowell, is that of an acquaintance with Mr. Marshall, who though not a parishioner of mine, I learned to esteem from being associated with him in several benevolent and Christian organizations. He commanded respect because of his broad intelligence upon religious and theological questions. Though a very busy and hard working man as a lawyer, he read much outside of his professional life, and was always introducing for conversation some late and live topics clustering about the doctrine of revelation. He viewed them from a legal standpoint; not that in any respect he was cold in his perceptions of truth, but he brought a lawyer's methods into his discussions of all truth, and hence his consideration of all religious themes was not only instructive but in a special degree suggestive. Naturally reverential and with a logical cast of mind, together with a clear Christian experience, he became a superior Bible class teacher, and an interesting speaker upon religious subjects. I learned to honor him most of all for the revelation of character which he disclosed as a counsellor for the friendless and needy. Many times I went to him for legal advice concerning some poor boy or homeless girl, or worse than widow, and his heart was not only full of tenderest sympathy, but there was a ten-commandment conscientiousness about his advice which gave strength to his opinions. The question with him always was, "Is it right?" "What ought to be done?" He had a conviction that though the right sometimes was severe, it would in the end not only justify itself, but also bring the greatest comfort to the heart. He sought to

be impartial, and was as faithful in the rebuke of a friend as in exposing the faults of an enemy. He despised affectation. He was sincere himself and demanded it of others. A little child, or a poor woman, or a homeless girl, was safe in his hands; and he would engage in some little case for one of God's poor with as much interest as though it concerned the property of a great corporation.

Many of the humble poor have thought their pastor very wise in legal matters, when it was this Christian lawyer who, without money or price, was happy to aid the unfortunate. I have seen him stirred all through his being over the wrong which some child of poverty was suffering. There was little about him of what in popular language is called sentiment, but rather a blending of tenderness and rightness. He had a Puritan heart in a Christian manhood. He was a peace-maker, always determined to be fair. The story of his own struggles to obtain an education, and the memory of those who befriended him, gave him a constant interest in every young man engaged in the battle of life. He was deeply interested in all plans of church work. He considered preaching to be the greatest of all arts. Very frequently his first question would be, "What did you preach about last Sunday? How did you treat it?" I shall never forget a long conversation one Monday afternoon, when his pastor had exchanged the day before with a minister who had preached a semi-metaphysical sermon with no particular application. His words were "Why cannot preachers remember that men want the simple gospel? I work hard all the week over perplexing questions, and, when the Lord's Day comes, I want something for my heart. I do not care so much for a sermon that will make me think, as for one that will help me to live. If I was a preacher I would address my sermons to common men, for we are all common men in the Lord's house." This thought he repeated several times. He lived a life of honest consecration to his profession, and sustained an unblemished character among his fellow men. He took his religion into all the relations of life. He was a Christian lawyer, a Christian statesman, and died a Christian's death. His words, his example, and his silent character, all helped to make the world better.

An honest man, a faithful student, a strong thinker, with broad sympathies and deep convictions, he honored the community in which he lived and the church to which he belonged.

SMITH BAKER.

Letter from Professor Edward P. Crowell, of Amherst College, who was a college class-mate at Amherst with Mr. Marshall, and has known him during all his subsequent life:

MY DEAR SIR :

The ever-narrowing circle of our college class must, I am sure, now that Brother Marshall has passed away, feel a peculiar and deep interest in his manner of life among us in our undergraduate days, particularly because the promise of that life has been fulfilled so signally and in such large measure during the forty years and more that have passed since we graduated.

Not one of us, certainly, has forgotten how companionable and kindly, of what a genial spirit, and how manly in his bearing, he was then in all his intercourse with us, or how tolerant and charitable was his temper toward any who differed from him, while he was clear and strong and independent in his convictions on all subjects and frank in expressing them.

Doubtless we all distinctly recollect by dint of what steady and hard work he gradually overcame the great disadvantage of a defective preparation for college and acquired such a thorough intellectual discipline as the opportunities afforded him would permit. Especially do we well remember his excellence in all rhetorical and oratorical exercises, and the distinction he earned as a public speaker, which made him one of the foremost in the class in this respect. How finely he acquitted himself in that memorable debate before the college, in an exciting political campaign in our senior year, in which, in antagonism to the democrats on one side and the free-soilers on the other, he represented the old whig party, and eloquently maintained its principles and supported its claims.

That which was most characteristic of Marshall, however, was, as it seems to me, an all-controlling conscientiousness, a steadfast devotion to his studies and his college duties of every kind, and an unswerving adherence, never ostentatious or spasmodic, to what he thought was right and Christian in conduct, irrespective of whatever at the moment might be the public sentiment of his fellow-students. It appeared to be his supreme ambition, to become most completely equipped for the profession upon which he had set his heart before entering college.

With the knowledge of such qualities of character in him, we might have anticipated what his subsequent career would be. We should have expected that he would be a loyal son of his Alma Mater. He certainly identified himself with the interests of his college, and promoted its welfare in all ways in his power. He was regularly present at the five-year class reunions, and at the quarter-centennial anniversary of our graduation presided at the annual meeting of the Alumni Association. If we had been "discerners of spirits" we should have foreseen that he would become, as he did, the active and consistent church member, the irreproachable and influential citizen, the faithful and wise public official, and the advocate upright and honorable, as well as able, skilful, and of large and accurate legal knowledge.

So we may justly characterize him, without exaggeration, as a model Christian layman and lawyer. And the surviving members of the class of '53 may rightfully share in the legacy of the noble life of Joshua Newell Marshall.

Fraternally yours,

E. P. CROWELL.

AMHERST COLLEGE, September, 1895.

The Congregationalist, a newspaper printed in Boston, Mass., under date of March 7, 1895, among other things says:

"HON. JOSHUA N. MARSHALL.

"In 1885 Mr. Marshall became a member of the Board of Visitors in Andover Seminary, succeeding Hon. Charles T. Russell, becoming a colleague with President Seelye and Rev. William T. Eustis. After the death of Mr. Eustis he was made secretary of the Board, which office he held until he resigned it in 1893, when he was succeeded by Dr. A. H. Quint, who had been chosen Visitor to follow President Seelye. Mr. Marshall remained a member, however, until his death. He was particularly prominent when Professor Smyth was on trial, and in the subsequent lawsuits, from 1886 to 1893, being the lay member of the Board and a lawyer. The legal proceedings on the side of the Visitors were largely shaped by him. His vote was given against Professor Smyth and against the claims of the Board of Trustees."

It would be easy to multiply testimonials like those given above. We have furnished enough, however, to show what the character and life of Mr. Marshall were. He was respected and esteemed in this city and wherever he was known, and of him it can be truly said: "He being dead yet speaketh."

J. M. GREENE.







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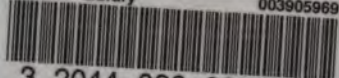
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In memoriam: Hon. Joshua N. Marshal

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